

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2017 MAY -4 P 3: 54

CLERK C. Adams
SO. DIST. OF GA.

UNITED STATES OF AMERICA)
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) CR 111-305
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)
ETSHO ILUNGA)

O R D E R

Defendant Etsho Ilunga, through counsel, has filed a "Motion to Alter Judgment in Criminal Case as to Curfew." Essentially, Defendant seeks to have the curfew restriction of his supervised release removed.

On March 22, 2012, Defendant was sentenced to serve 45 months imprisonment followed by 5 years of supervised release on charges of bank fraud and aggravated identity theft. Upon release from imprisonment, however, Defendant failed to report to the United States Probation Office and a warrant was issued for his arrest. Defendant was arrested in the Southern District of New York on January 10, 2017. Ultimately, this Court revoked his term of supervised release on March 6, 2017, and imposed a time-served sentence of 50 days to be followed by a supervised release term of 36 months. Defendant has been supervised by the Eastern District of New York since his

restriction interferes with his work as an Uber driver.


Federal Rule of Criminal Procedure 32.1 sets out the procedure by which the conditions of supervised release may be modified. The statutory authority to modify a term of supervised release, however, derives from 18 U.S.C. § 3583, which provides that a court

may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6) . . . modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification or probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision.

18 U.S.C. § 3583(e)(2). Upon due consideration, the Court will modify the terms of Defendant's supervised release in removing the curfew restriction in its entirety; thus, the motion (doc. 80) is hereby **GRANTED**.

Further, the Court conceives of no reason to continue the supervision of this offender in this district. Simultaneous herewith, the Court will initiate the transfer of jurisdiction over the offender to the Eastern District of New York. See 18 U.S.C. § 3605.

ORDER ENTERED at Augusta, Georgia, this 4th day of May, 2017.


J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA